

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

<b>Barry Long</b>  <p style="text-align: center;"><b>Plaintiff,</b></p> <p style="text-align: center;"><b>vs.</b></p> <p><b>LIVE NATION WORLDWIDE, INC., D/B/A TICKETMASTER,</b></p> <p style="text-align: center;"><b>Defendants.</b></p>	<p><b>No.</b></p> <p><b>COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF</b></p>
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The Plaintiff alleges as follows:

**I. PARTIES**

1.1 Barry Long is the Plaintiff in this action. He is a resident of Woodinville in King County, Washington, which is in this judicial district. Barry Long is a qualified individual with a disability as defined by Title III of the Americans with Disabilities Act (“ADA”) and the Washington Law Against Discrimination (“WLAD”), RCW 49.60.010 et seq.

1.2 Defendant Live Nation Worldwide, Inc. is a Delaware corporation that does business in this judicial district under the name "Ticketmaster." Defendant operates the website [www.ticketexchangebyticketmaster.com](http://www.ticketexchangebyticketmaster.com) ("Website"), which sells tickets to NFL football games held at Century Link Field in Seattle, Washington.

## II. JURISDICTION AND VENUE

2.1 This court has jurisdiction under 28 U.S.C. § 1331, 28 U.S.C. § 1343(a)(3)-(4), and 28 U.S.C. § 1367.

2.2 Venue is appropriate in this judicial district under 28 U.S.C. § 1391 because the practices and procedures that give rise to the Plaintiff's complaint are occurring in this judicial district.

## III. OVERVIEW

3.1 Twenty-six years after the passage of the ADA, Defendant discriminates against individuals with disabilities who have mobility impairments. The Defendant operates [www.ticketexchangebyticketmaster.com](http://www.ticketexchangebyticketmaster.com) in such a way that individuals with disabilities who have mobility impairments are provided unequal access and enjoyment to facility services and amenities.

3.2 The federal ADA was enacted in 1990, "[t]o establish a clear and comprehensive prohibition of discrimination on the basis of disability." The ADA prohibits public accommodations, like the sports stadium venue that the Defendant sells tickets for, from providing individuals with disabilities with separate or unequal benefits and services. The Defendant is one example of countless places of public accommodation that have substantial and numerous compliance issues with the ADA. (Approximately only 2% of places of public use are completely ADA compliant. Carri Becker, Private Enforcement of the Americans with Disabilities Act Via Serial Litigation: Abusive or Commendable?, 17 HASTINGS WOMEN'S L.J. 93, 99 (2006).)

1           3.3     Per 42 U.S.C. § 12101, the findings and purpose section of the original ADA,  
 2     “...individuals with disabilities continually encounter various forms of discrimination, including  
 3     outright intentional exclusion, the discriminatory effects of architectural, transportation, and  
 4     communication barriers, overprotective rules and policies, failure to make modifications to  
 5     existing facilities and practices, exclusionary qualification standards and criteria, segregation,  
 6     and relegation to lesser services, programs, activities, benefits, jobs, or other opportunities...”

7           3.4     Further, “...census data, national polls, and other studies have documented that  
 8     people with disabilities, as a group, occupy an inferior status in our society, and are severely  
 9     disadvantaged socially, vocationally, economically, and educationally...” Id.

10          3.5     Finally, “...the Nation’s proper goals regarding individuals with disabilities are to  
 11     assure equality of opportunity, full participation, independent living, and economic self-  
 12     sufficiency for such individuals...” Id.

#### 13                               IV.     FACTUAL ALLEGATIONS

14  
 15          4.1     Plaintiff is a qualified individual with a disability as defined by Title III of the  
 16     Americans with Disabilities Act (“ADA”) and the Washington Law Against Discrimination  
 17     (“WLAD”), RCW 49.60.010 et seq. He uses a wheelchair and a modified car, as well as a  
 18     modified van, for transportation, and he requires accessible parking and an accessible route to be  
 19     able to patronize places of public accommodation.

20  
 21          4.2     Plaintiff is a football fan, in particular a fan of the Seattle Seahawks. Plaintiff  
 22     attends Seahawks games at CenturyLink Field in Seattle multiple times every year.

23          4.3     CenturyLink Field is a place of public accommodation within the meaning of  
 24     Title III of the ADA, 42 U.S.C. § 12181(7), and its implementing regulation, 28 C.F.R. § 36.104.

4.6 Plaintiff encountered a number of barriers to access to tickets to CenturyLink Field. In particular, [www.ticketexchangebyticketmaster.com](http://www.ticketexchangebyticketmaster.com) does not include information for accessible seats in violation of applicable standards under the ADA and WLAD.

4.9 Barry Long has attended Seahawks games in the past and he intends to patronize CenturyLink Field again in to the future because the Seahawks are one of the best teams in the National Football League.

## V. CAUSES OF ACTION

5.1 Defendant's practices alleged herein violate Plaintiff's rights under the ADA, and constitute discrimination on the basis of his disability, in violation of the ADA.

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1           5.3     Title III of the ADA provides that “No individual shall be discriminated against  
2 on the basis of disability in the full and equal enjoyment of the goods, services, facilities,  
3 privileges, advantages, or accommodations of any place of public accommodation...” 42 U.S.C.  
4 § 12102(a).

5           5.4     Furthermore, Discrimination includes: “a failure to take such steps as may be  
6 necessary to ensure that no individual with a disability is excluded, denied services, segregated  
7 or otherwise treated differently than other individuals...” . 42 U.S.C. § 12102(b)2A(iii).

8           5.5     The Ninth Circuit interprets the statutory term “place of public accommodation”  
9 to require “some connection between the good or service complained of and an actual physical  
10 place.” Cullen v. Netflix, 600 Fed. Appx. 508 (9th Cir. 2015).

11           5.6     CenturyLink Field is an actual physical place and is a place of public  
12 accommodation. 42 U.S.C. § 12181(7)(B).

13           5.7     Defendants operate the website, [www.ticketexchangebyticketmaster.com](http://www.ticketexchangebyticketmaster.com) selling  
14 tickets for CenturyLink Field.

15           5.8     At all times relevant to this action, Plaintiff has been a qualified individual with a  
16 disability within the meaning of the ADA. 42 U.S.C. § 12102.

17           5.9     Defendants have discriminated against Plaintiff on the basis of disability.  
18 Defendants’ discriminatory conduct includes but is not limited to:  
19

20           a.     Provision of goods, services, facilities, privileges, advantages, and/or  
21 accommodations that are not equal to those afforded non-disabled individuals;

22           b.     Failing to make reasonable modifications in policies, practices, and/or  
23 procedures as necessary to afford the goods, services, facilities, privileges, advantages,  
24 and/or accommodations to individuals with disabilities.

1           5.10 Defendant's discriminatory conduct has caused harm to Plaintiff and will, unless  
2 enjoined, continue to cause harm to Plaintiff.

3           5.11 Plaintiff is entitled under the ADA to monetary damages, declaratory and  
4 injunctive relief, and reasonable costs and attorneys' fees. 42 U.S.C. § 12188, 42 U.S.C. §  
5 12205.

6           **B. Violation of the WLAD**

7           5.12 Plaintiff incorporate by reference each and every allegation contained in the  
8 foregoing paragraphs. Defendant's practices alleged herein violate Plaintiff's rights under the  
9 WLAD, by denying him full and equal enjoyment of the Defendant's place of public  
10 accommodation.

11           5.13 Section 49.60.030(1) of the Revised Code of Washington provides in pertinent  
12 part: "The right to be free from discrimination because of...the presence of any sensory, mental,  
13 or physical disability...is recognized as and declared to be a civil right. This right shall include,  
14 but not be limited to: ... (b) The right to the full enjoyment of any of the accommodations,  
15 advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or  
16 amusement...."

17           5.14 To make a prima facie case of public accommodation discrimination under the  
18 WLAD, a plaintiff must demonstrate (1) that he has a disability, (2) that the defendant's place of  
19 business is a public accommodation, (3) that the defendant discriminated against the plaintiff by  
20 providing treatment not comparable to the level of services provided to individuals without  
21 disabilities, and (4) that the disability was a substantial factor causing the discrimination. Wash.  
22 State Comm'n Access Project v. Regal Cinemas, Inc., 173 Wash. App. 174, 186-87, 293 P.3d  
23 413, 420-21 (Wash. Ct. App., 2013).  
24

1           5.15 Plaintiff is individuals with a disability within the scope of the Washington Law  
2 Against Discrimination.

3           5.16 The Ninth Circuit interprets the statutory term “place of public accommodation”  
4 to require “some connection between the good or service complained of and an actual physical  
5 place.” Cullen v. Netflix, 600 Fed. Appx. 508 (9th Cir. 2015).

6           5.17 Defendants operate the website, www.ticketexchangebyticketmaster.com selling  
7 tickets for CenturyLink Field.

8           5.18 CenturyLink Field is a “place of public resort, accommodation, assemblage, or  
9 amusement” within the meaning of the Washington Law Against Discrimination, Wash. Rev.  
10 Code § 49.60.040.

11           5.19 Plaintiff is informed, believe, and thereon allege that Defendants and their agents  
12 and employees have violated and continue to violate sections 49.60.010 et seq. of the Revised  
13 Code of Washington by unlawfully denying Plaintiff full and equal access to wheelchair  
14 accessible tickets for CenturyLink Field and for the reasons set forth above, including violating  
15 the ADA.

16           5.20 Plaintiff is informed, believe, and thereon allege that Defendants and their agents  
17 and employees have violated and continue to violate sections 49.60.010 et seq. of the Revised  
18 Code of Washington by unlawfully denying Plaintiff full and equal access to its “place of public  
19 resort, accommodation, assemblage, or amusement...”

20           5.21 Defendants’ actions constitute discrimination against Plaintiffs and violate the  
21 Washington Law Against Discrimination, Revised Code of Washington sections 49.60.010 et  
22 seq., in that Plaintiff is being denied full and equal enjoyment of the accommodations,  
23 advantages, facilities, privileges, and services that Defendants provide.  
24

1           5.22    As a direct and proximate result of the aforementioned acts, Plaintiff has suffered  
 2 and continues to suffer discrimination because Defendant fails to provide equal treatment  
 3 comparable to the level of designated services provided to individuals without disabilities. These  
 4 failures have denied Plaintiff the full and equal enjoyment of the events held at this venue that  
 5 the Washington Law Against Discrimination requires.

6           5.23    Because Plaintiffs have a clear legal right to access tickets to CenturyLink Field,  
 7 have a well-grounded fear of immediate invasion of that right, and have been actually injured as  
 8 a result of Defendants' conduct as alleged herein, declaratory and injunctive relief are  
 9 appropriate remedies. See *Kucera v. Dep't of Transp.*, 140 Wn.2d 200, 209 (2000).

10           5.24    Pursuant to Wash. Rev. Code § 49.60.030(2), Plaintiff is entitled to declaratory  
 11 and injunctive relief and to recover from Defendant the reasonable attorneys' fees and costs  
 12 incurred in bringing this action.

## 13                                   **VI.    PRAYER FOR RELIEF**

14           Having stated their claims against Defendants, Plaintiffs pray for the following relief:

15           6.1    Judgment against Defendants for compensatory damages in an amount to be  
 16 proven at trial;  
 17

18           6.2    Injunctive relief to correct the practices of the Defendants that violate the ADA  
 19 and WLAD;

20           6.3    An award of reasonable attorneys' fees and costs incurred in bringing this action.

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1 Dated: December 22, 2016.

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3 COUNSEL FOR PLAINTIFFS:

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5 **WASHINGTON CIVIL AND DISABILITY ADVOCATE**

6 /S/Conrad Reynoldson

7 Conrad Reynoldson, WSBA # 48187

8 4421 51<sup>st</sup> Ave NE

9 Seattle, WA 98105-4932

(206) 855-3134

10 Conrad.wacda@gmail.com

11 **CARNEY GILLESPIE ISITT PLLP**

12 /S/Christopher Carney

13 Christopher Carney, WSBA No. 30325

14 315 5<sup>th</sup> Ave S, Suite 860

15 Seattle, Washington 98104

(206) 445-0212

16 Christopher.Carney@CGILaw.com